

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYROSH BROWN,

Plaintiff,

Case No. 1:13-cv-964

v.

Hon. Robert J. Jonker

CITY OF GRAND RAPIDS,
JOSEPH DAILEY, and
KENT BERACY,

Defendants.

_____ /

ORDER TO STAY PROCEEDINGS

This matter has been referred to the undersigned for handling of all matters under 28 U.S.C. § 636(a) and § 636(b)(1)(A), and for submission of recommendations on dispositive motions under § 636(b)(1)(B). *See* Order of Reference (docket no. 14). Plaintiff has filed a Notice of Appeal with the Sixth Circuit Court of Appeals regarding this Court's Order dated August 28, 2015 (docket no. 77). The appeal has been docketed as *Brown v. City of Grand Rapids*, No. 15-2202 (6th Cir.). Plaintiff is a prolific *pro se* litigant¹ who is appealing an order which denied motions for discovery and sanctions. *See* Order (docket no. 75). While the Court did not certify this order for an interlocutory appeal (*see* 28 U.S.C. § 1292(b)), the decision to accept the appeal lies with the Sixth Circuit Court of Appeals, not this Court. *See Gillis v. United States Department of Health & Human Services*, 759 F.2d 565, 569 (6th Cir. 1985). At one point in time, the party's filings transformed this case into "a procedural morass." *See* Order regarding report and recommendation (docket no. 31).

¹ The Court notes that since 2009, plaintiff has filed 9 *pro se* civil cases in this district and 9 appeals to the Sixth Circuit.

At this juncture, defendants' motion for summary judgment is pending and the case is set for trial on November 3, 2015. *See* Case Management Order (docket no. 35). In order to avoid another procedural morass, the Court deems it prudent to stay this action pending a decision by the Sixth Circuit on plaintiff's appeal.²

Accordingly, **IT IS ORDERED** that this action is **STAYED** and the Clerk's Office is directed to administratively close it pending further order of the Court.

Dated: October 7, 2015

/s/ Ray Kent

RAY KENT

United States Magistrate Judge

² *See generally, Marr v. Foy*, No. 1:07-CV-908, 2010 WL 489535 at *3 (W.D. Mich. Feb. 4, 2010) (a motion seeking to stay a case is a nondispositive motion as defined by this District's Local Civil Rules which a magistrate judge may decide).